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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/774,136	02/06/2004	Wendell B. Colson	322/US/3	8400

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EXAMINER

JILLIONS, JOHN M

ART UNIT PAPER NUMBER

3654

DATE MAILED: 02/02/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/774,136

Applicant(s)

COLSON ET AL

Examiner

John M. Jillions

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 13 December 2004.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-34 is/are pending in the application.
- 4a) Of the above claim(s) 10-34 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-3, 5/1-3, 6/5/1-3, 9 is/are rejected.
- 7) ☒ Claim(s) 4, 5/4, 6/5/4, 7-8 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 2/6/04.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Election/Restrictions***

1. Applicant's election without traverse of the Group I invention, claims 1-9 in the reply filed on 12/13/04 is acknowledged. Claims 10-34 are withdrawn from further consideration as being drawn to non-elected inventions.

### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-2 are rejected under 35 U.S.C. 102(b) as being anticipated by Rundo. The take-up roller system of Rundo winds up a web of material 20 having beads of adhesive 10 thereon and includes a diverter system 25 for reciprocally moving the material laterally of the take-up roller as material is wound thereon whereby beads of adhesive on adjacent layers of the material are offset relative to each other, see Fig. 9. The diverter system includes a "comb" 50 or 51 and a drive system 76, 78 for reciprocally moving the comb.

### ***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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5. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Rundo in view of Javery et al. Javery et al discloses a material traverse guide that is driven by an eccentric 27 and a traverse rod 29 for reciprocally moving yarn guide 14. It would have been obvious to one of ordinary skill in the art to substitute for the chain type of traverse drive of Rundo, an eccentric type of drive for accomplishing the same purpose, since both types of drives for reciprocally moving a traverse guide are old and well known in the art and the substitution of one for another for doing the same thing would have been obvious in view thereof.

6. Claims 5/1, 5/2, 6/5/1,2 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rundo in view of Nowak. Nowak discloses an example of winding parallel strips of material simultaneously on a take-up shaft, Fig. 2. It would have been obvious to one of ordinary skill in the art to wind parallel strips simultaneously in the device of Rundo in view of the teaching of Nowak. Such a modification of Rundo would render the device more efficient.

7. Claims 5/3, 6/5/3 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rundo in view of Javery et al as in the rejection of claim 3, further in view of Nowak. It would have been further obvious to one of ordinary skill in the art to provide the device of Rundo as modified by Javery et al as in the rejection of claim 3 with structure to wind parallel strips simultaneously in view of the teaching of Nowak for the reason noted above.

8. Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Rundo in view of Klose et al. Klose et al discloses a web supply system 150 that is removably attached to a base frame at 148 in order to more quickly supply the machine with a new rolls of material. It would have been obvious to one of ordinary skill in the art to provide the machine of Rundo with a

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removable web supply roll system as taught by Klose et al to more quickly supply full rolls of material to the machine.

*Allowable Subject Matter*

9. Claims 4, 5/4, 6/4, 7-8 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

*Conclusion*

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Phillips is cited to who another ribbon comb guide device and Schutz, Lightner are cited to show non-straight edged convolute winding machines and Schelhammer et al is cited to show the winding of spaced convolutions of material.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to John M. Jillions whose telephone number is (703) 308-2685. The examiner can normally be reached on M-F 9:15 - 5:45.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kathy Matecki can be reached on (703) 308-2688. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



John M. Jillions  
Primary Examiner  
Art Unit 3654

jmj